

REMARKS

Claims 1-80 are pending in this application. Of these claims claims 6-9, 11, 20-24, 40, 44-46, 48, 51, 54, 69, 70, 72 and 75-80 have been withdrawn in view of Applicant's prior election of the species of Figs. 9-14. Upon entry of the present Amendment, claims 1-3 and 25-27 will be cancelled, and claims 4, 5, 10, 12, 13, 28-30, 34-39, 42, 43 and 47 will have been currently amended.

Claim Rejections Under 35 U.S.C. §102(b)

The Examiner has rejected claims 1, 10, 47, 49, 50, 52, 57, 58 and 63-67 under 35 U.S.C. §102(b) as being anticipated by de la Guardia (U.S. Patent No. 5,738,254). The Examiner states that in Figs. 1-4 de la Guardia teaches a device for removable attachment (Fig. 1) to a fluid container (8) having a rigid handle portion (around bulb 7), bulb pump (7), air delivery conduit (5), head portion including threads (2), valve spout (3), rotation of bulb pump (7) being prevented by holding pump in place by clamping of the parts housing between tube (5), barbed fitting (18), and check valve (6), referring to column 4, lines 43-48. With reference to Claim 58, the Examiner states that the spout (3) is a spray nozzle interpreted in view of the broadest reasonable definition of a spray nozzle. With reference to Claims 63-67, the Examiner states that the fluid is not being positively recited and that the device is capable of handling the fluids as claimed.

Claim 1 has been canceled. Claim 10 has been amended to depend from currently amended Claim 4, which is believed to be allowable for the reasons set forth below. Independent Claim 47 has been amended to now recite a handle portion, the manually operated pump having a first end portion and a second end portion, wherein the second end portion of the manually operated pump is keyed, wherein the handle portion includes a receptacle adapted for keyed receipt of the second end portion of the manually operated pump to prevent rotation of the manually operated pump relative to the handle portion upon operation of the manually operated pump between a relaxed state and a compressed state. It is respectfully submitted that as understood de la

Guardia does not teach or suggest such an arrangement. It is therefore respectfully submitted that the current amendment to Claim 47 overcomes the Examiner's rejection and places claim 47 in condition for allowance. In addition, for the same reasons, it is respectfully submitted that Claims 49, 50, 52, 57, 58 and 63-67, all of which depend directly or indirectly from Claim 47, are also in condition for allowance.

The Examiner has rejected claims 13-19 under 35 U.S.C. §102(b) as being anticipated by Marchant et al. (U.S. Patent No. 2,548,487). The Examiner states that in Figs. 1-4 Marchant et al. teach a device having a rigid handle (1), collapsible pump (10), first end (proximal), second end portion (distal), valves (column 2, lines 30-34), a coupling mechanism (11), and a flexible hose air delivery means (12) according to the claims.

Independent claim 13 has been amended to now recite that the second end portion of the collapsible pump is keyed and that the handle portion includes a receptacle adapted for keyed receipt of the second end portion of the collapsible pump to prevent rotation of the collapsible pump relative to the handle portion upon operation of the manually operated pump mechanism between the normally relaxed full state and the compressed state. It is respectfully submitted that as understood Marchant et al. do not teach or suggest such an arrangement. It is therefore respectfully submitted that the current amendment to Claim 13 overcomes the Examiner's rejection and places Claim 13 in condition for allowance. In addition, for the same reasons, it is respectfully submitted that claims 14-19, all of which depend directly or indirectly from Claim 13, are also in condition for allowance.

The Examiner has rejected claims 47, 49, 52, 53, 55, 58, 63-68 and 71 under 35 U.S.C. §102(b) as being anticipated by Stark (U.S. Patent No. 301,767). The Examiner states that Stark teaches a device (Fig. 1) having a fluid container (A), pump (B), air delivery conduit (a), head (S), and valve according to Claims 47, 49, 52, 53, 55, 58 and 63-67. With reference to Claims 63-67 the Examiner further states that the fluid is not being positively recited and the device and capable of handling the fluids as claimed.

As set forth above in relation to the Examiner's earlier rejection of Claim 47, independent Claim 47 has been currently amended to recite a handle portion, the

manually operated pump having a first end portion and a second end portion, wherein the second end portion of the manually operated pump is keyed, wherein the handle portion includes a receptacle adapted for keyed receipt of the second end portion of the manually operated pump to prevent rotation of the manually operated pump relative to the handle portion upon operation of the manually operated pump between a relaxed state and a compressed state. It is respectfully submitted that as understood Stark does not teach or suggest such an arrangement. It is therefore respectfully submitted that the current amendment to Claim 47 overcomes the Examiner's rejection and places claim 47 in condition for allowance. In addition, for the same reasons, it is respectfully submitted that claims 49, 52, 53, 55, 58, 63-68 and 71, all of which depend directly or indirectly from Claim 47, are also in condition for allowance.

Claim Rejections Under 35 U.S.C. §103(a)

The Examiner has rejected claims 2-3 under 35 U.S.C. §103(a) as being unpatentable over de la Guardia (U.S. Patent No. 5,738,254) in view of Marchant et al. (U.S. Patent No. 2,548,487). The Examiner states that de la Guardia teaches of a device substantially according to the claims but is silent with respect to a one directional intake valve for drawing air into the interior of the pump chamber according to the claims. The Examiner also states that Marchant et al. explicitly teach of including an intake valve used in conjunction with an exhaust valve in order to form a pumping chamber with self actuating valves according to the claims. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to have constructed the pump of de la Guardia incorporating the one directional intake valve as taught by Marchant et al. in order to form a pumping chamber with self actuating valves. With reference to Claim 3 the Examiner further states that de la Guardia teaches to prevent rotation of the squeeze bulb relative to the handle by holding the second end portion in a substantially fixed position relative to the handle portion, referencing column 4, lines 43-48, which the Examiner asserts teaches of clamping.

Claims 2 and 3 have been canceled without prejudice.

The Examiner has rejected Claim 12 under 35 U.S.C. §103(a) as being unpatentable over de la Guardia (U.S. Patent No. 5,738,254) in view of Stark (U.S. Patent No. 301,767). The Examiner states that de la Guardia teaches of a device substantially according to the claims but provides for a different lever, valve spout (3,9,12) arrangement than claimed. The Examiner further states that Stark teaches of a lever valve spout (S,T) arrangement per the claim. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to have substituted the lever valve spout arrangement of de la Guardia with the arrangement (S,T) of Stark as such a substitution would preclude the necessity of finger contact with the spout area to open the valve and thereby creating a more sanitary arrangement.

Claim 12 has been amended to now depend from currently amended Claim 4, which is believed to be allowable for the reasons set forth below.

The Examiner has rejected claims 25-27, 30, 33-37 and 43 under 35 U.S.C. §103(a) as being unpatentable over Colcord (U.S. Patent No. 280,798) in view of de la Guardia (U.S. Patent No. 5,738,254). The Examiner states that Colcord teaches a device (Fig. 1) having a pump (G), air delivery conduit (e), head (Figs. 2-3), and valve (E) substantially according to claims 25-27, 30, 33-37 and 43, but does not show the rotation of the collapsible pump reduced relative to a handle according to the claims. The Examiner further states that de la Guardia teaches to provide a handle (1) integrating a pump (7), which reduces rotation of the pump relative to the handle via a clamping of the pump within the handle (1), referring to column 4, lines 43-48, in order to provide a handle for manipulating the device and the associated pump. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to have included the handle (1) of de la Guardia in the device of Colcord in order to provide a handle for manipulating the device and associated pump as taught by de la Guardia. The Examiner also concludes that the resulting device would reduce rotation of the pump relative to the handle via a clamping of the pump within the handle. With reference to Claim 27, the Examiner additionally states that de la Guardia teaches to prevent rotation of the squeeze bulb relative to the handle by holding the second end portion in a substantially fixed position relative to the handle portion, referring to

column 4, lines 43-48, which the Examiner states teaches of clamping. With reference to Claim 33, the Examiner takes Official Notice that the use of a spray nozzle designed to produce foam is well known in the dispensing art. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to have provided such a nozzle where the product being dispensed would advantageously be desired to be dispensed as foam, the Examiner further stating that one such product would be liquid soap. With reference to Claims 34-37 the Examiner states that the device of Colcord as modified by de la Guardia is capable of dispensing the claimed products, and therefore meet the limitations as claimed.

Claims 25-27 have been canceled. Claims 30, 34-37 and 43 have been amended to now depend directly from currently amended Claim 28, which is believed to be allowable for the reasons set forth below. (Original) Claim 32 depends from Claim 30, and for the same reasons is believed to be allowable.

The Examiner has rejected Claims 31, 32 and 38 under 35 U.S.C. §103(a) as being unpatentable over Colcord (U.S. Patent No. 280,798) and de la Guardia (U.S. Patent No. 5,738,254) as applied to respective claims 30 and 25 above, and further in view of Burke (U.S. Patent No. 4,313,569). The Examiner states that Colcord as modified by de la Guardia teach of a device substantially according to claims 31 and 38 but fails to teach of the spray nozzle according to the claims. The Examiner further states that Burke teaches of a nozzle, usable on any appropriate device, which meets the claim limitations in order to "achieve the desired dispensing pattern, e.g., spray, stream, etc," referring to column 2, lines 34-39. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to have included the spray nozzle of Burke on the device of Colcord as modified by de la Guardia in order to achieve desired dispensing patterns as explicitly taught by Burke.

For the reasons set forth below regarding currently amended Claim 28, it is respectfully submitted that Claims 31, 32 and 38 all of which now depend directly or indirectly from Claim 28, are patentable over Colcord and de la Guardia further in view of Burke.

The Examiner has rejected Claims 39, 41, 42 and 56 under 35 U.S.C. §103(a) as being unpatentable over Stark (U.S. Patent No. 301,767) in view of de la Guardia (U.S. Patent No. 5,738,254). The Examiner states that Stark teaches a device (Fig. 1) having a pump (B), air delivery conduit (a), head (S), and valve substantially according to claims 39 and 41, but does not show the rotation of the collapsible pump reduced relative to a handle according to the claims. The Examiner further states that de la Guardia teaches to provide a handle (1) integrating a pump (7), which reduces rotation of the pump relative to the handle via a clamping of the pump within the handle (1), referring to column 4, lines 43-48, in order to provide a handle for manipulating the device and the associated pump. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to have included the handle (1) of de la Guardia in the device of Stark in order to provide a handle for manipulating the device and associated pump as taught by de la Guardia. The Examiner also concludes that the resulting device would reduce rotation of the pump relative to the handle via a clamping of the pump within the handle, and that the resulting device would also be capable of operation according to Claim 42.

Claims 39 and 42 have each been currently amended to now depend from currently amended Claim 28. Claim 41 depends directly from currently amended Claim 39. With regard to Claim 56, which claim depends directly from amended Claim 47, as set forth above, Claim 47 has been amended to now recite a handle portion, the manually operated pump having a first end portion and a second end portion, wherein the second end portion of the manually operated pump is keyed, wherein the handle portion includes a receptacle adapted for keyed receipt of the second end portion of the manually operated pump to prevent rotation of the manually operated pump relative to the handle portion upon operation of the manually operated pump between a relaxed state and a compressed state. It is respectfully submitted that as understood, neither Stark nor de la Guardia teach or suggest such an arrangement as set forth in currently amended Claim 47. In addition, as set forth below, it is respectfully submitted that currently amended Claim 28 is patentable over Stark in view of de la Guardia in view of the Examiner's comments regarding allowable subject matter in claims 4, 5, 28 and 29.

It is therefore respectfully submitted that the current amendments to Claims 28, 39, 42 and 47 overcomes the Examiner's rejection and places such Claims 39, 41, 42 and 56 in condition for allowance.

The Examiner has rejected claims 59, 60, 61, 62, 73 and 74 under 35 U.S.C. §103(a) as being unpatentable over Stark (U.S. Patent No. 301,767) in view of Burk (U.S. Patent No. 4,313,569). The Examiner states that Stark teaches a device (Fig. 1) having a pump (B), air delivery conduit (a), head (S), and valve substantially according to claims 59, 60, 61 and 62, but does not show the particular spray nozzle as claimed. The Examiner further states that Burke teaches of a nozzle, usable on any appropriate device, which meets the claim limitations in order to "achieve the desired dispensing pattern, e.g. spray, stream, etc.," referring to column 2, lines 34-39. The Examiner concludes that it would have been obvious to one having ordinary skill in the art to have included the spray nozzle of Burke on the device of Stark in order to achieve desired dispensing patterns as explicitly taught by Burke.

For the reasons set forth above regarding currently amended Claim 47, from which Claims 59, 61, 73 and 74 directly or indirectly depend, it is respectfully submitted that the amendments to Claim 47 overcome the Examiner's rejection of Claims 59, 61, 73 and 74 has been overcome.

With reference to Claims 60 and 62, the Examiner takes Official Notice that the use of a spray nozzle designed to produce foam is well known in the dispensing art. The Examiner further concludes that it would have been obvious to one having ordinary skill in the art to have provided such a nozzle where the product being dispensed would advantageously be desired to be dispensed as foam, stating that one such product would be liquid soap.

For the reasons set forth above regarding currently amended Claim 47, from which Claims 60 and 62 directly depend, it is respectfully submitted that the amendments to Claim 47 overcome the Examiner's rejection of Claims 60 and 62 has been overcome.

Allowable Subject Matter

The Examiner states that Claims 4, 5, 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 4, 5, 28 and 29 have each been rewritten as suggested by the Examiner. It is respectfully submitted that Claims 4, 5, 28 and 29, as well as all of the claims directly or indirectly dependent from these claims are in condition for allowance.

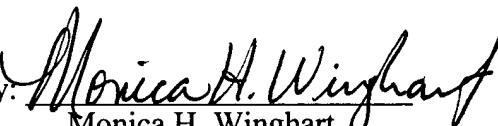
Conclusion

In view of the above, the Examiner's reconsideration and further examination are respectfully requested.

The Commissioner of Patents is hereby authorized to charge any additional fees that may be required in connection with the filing of this paper, to Deposit Account No. 03-2270. A duplicate copy of this authorization is attached hereto.

Respectfully submitted,

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